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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,456	11/20/2001	Roland Falcon	23015-1-0050	8878

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EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,456

Applicant(s)

FALCON ET AL.

Examiner

Bing Q Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date # 2 / Apr 09, 2002 _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending in the present application for examination.

Specification

2. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U. S. Patent No. 6,320,956 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. Although the conflicting claims are not identical, they are not patentably distinct from each other because the context of the claimed invention is similar to the context of the cited claim of the U.S. patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter as follows: a method for automatic call distribution to a remote agent comprising the steps of receiving said customer-initiated call at a contact center, deriving an array of caller information from said customer- initiated call, transmitting said array of caller information to a coordination center servicing one or more contact centers, identifying at least one remotely located agent trained and authorized to receive said customer-initiated call for said contact center, and directing said customer-initiated call to said identified remotely located agent.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Miloslavsky et al (US Pat No. 6,175,564), herein after referred as Miloslavsky.

Regarding claim 1, referring to Figures 13 and 15A-15B, Miloslavsky teaches a method of distributing a customer-initiated call placed with a contact center (e.g., call center "3162") to one or more remotely located agents trained to service calls for one or more contact centers (e.g., call center "3180"), comprising the steps of:

receiving said customer-initiated call at a contact center such as call center ""3162" (see col. 25, lns 35-53);

deriving an array of caller information (e.g., ANI and DNIS) from said customer-initiated call (see col. 25, lns 35-53);

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transmitting said array of caller information to a coordination center (e.g., routing server "3192") servicing one or more contact centers such as call centers "3162" and "3180" (see col. 25, lns 35-53);

identifying at least one! remotely located agent trained and authorized to receive said customer-initiated call for said contact center (see col. 25, ln 54 – col. 26, ln 16);
and

directing said customer-initiated call to said identified remotely located agent (see col. 25, ln 54 – col. 26, ln 16).

Regarding claim 2, Miloslavsky further teaches the customer- initiated call is placed through a communication method selected from among the class of communication methods consisting of: electronic mail, electronic chat, electronic video conferencing, electronic paging, instant messaging, voice messaging, short messaging service, and telephone (see col. 36, ln 54 – col. 37, ln 43).

Regarding claim 3, referring to Figures 13 and 15A-15B, Miloslavsky teaches further steps by said coordination center of tracking, the number of calls received by said remotely located agent of said contact center and providing payroll services for said contact center on behalf of said remotely located agent (see col. 31, lns 31-51).

Regarding claim 4, referring to Figures 13 and 15A-15B, Miloslavsky teaches further steps by the coordination center of maintaining statistical records of each customer initiated call and providing said statistical records to said contact center (see col. 25, ln 54 – col. 26, ln 9).

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Regarding claim 5, referring to Figures 13 and 15A-15B, Miloslavsky teaches further steps of establishing simultaneous communication between said coordination center, said remotely located agent and said contact center (see col. 26, lns 1-49).

Regarding claim 6, Miloslavsky further teaches the simultaneous communication is established through a communication method selected from among the class of communication method consisting of: electronic mail, electronic chat, electronic video conferencing, electronic paging, instant messaging, voice messaging, short messaging service, and telephone (see col. 36, ln 54 – col. 37, ln 43).

Regarding claim 7, referring to Figures 13 and 15A-15B, Miloslavsky teaches further steps by said coordination center of monitoring the content of communications taking place in said customer-initiated call and providing access to said content to said contact center (see col. 25, ln 35 – col. 26, ln 49).

Regarding claim 8, Miloslavsky teaches further steps by said contact center of rendering assistance to said remotely located agent through a communication method selected from among the class of communication method consisting of. electronic mail, electronic chat, electronic video conferencing, electronic paging, instant messaging, voice messaging, short messaging service, and telephone (see col. 36, ln 54 – col. 37, ln 43)..

As to claims 9-16, they are rejected for the same reasons set forth to rejecting claims 1-8, respectively.

As to claims 17 and 18, they are rejected for the same reasons set forth to rejecting claims 1-8.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 5,291,550

U.S. Pat. No. 5,546,456

U.S. Pat. No. 5,557,667

U.S. Pat. No. 5,563,937

U.S. Pat. No. 5,586,178

U.S. Pat. No. 5,633,924

U.S. Pat. No. 5,703,943

U.S. Pat. No. 5,715,306

U.S. Pat. No. 5,737,405

U.S. Pat. No. 5,742,596

U.S. Pat. No. 5,742,675

U.S. Pat. No. 5,729,600

U.S. Pat. No. 5,884,032

U.S. Pat. No. 6,047,060

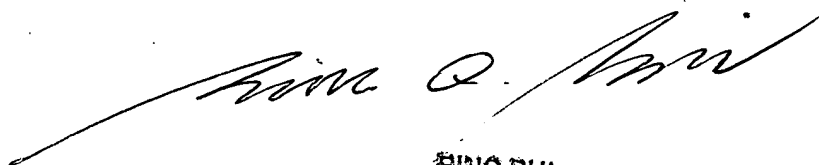
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response

EXPEDITED PROCEDURE) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Mar 30, 2004

A handwritten signature in black ink, appearing to read 'Bing Bui', is written over a horizontal line.

BING BUI
PATENT EXAMINER